

### **REMARKS**

Claims 1, 3-8, 10, 11, 15, 18, 20, 21, and 23-25 have been amended and claim 9 has been cancelled. No new matter is introduced by the amendments of these claims. For example, the amendments to claim 1 are supported by Figures 2 and 3 and the accompanying text, as well as original claims 1 and 7, among other places. New claims 26-41 have been added. Accordingly, claims 1-8 and 10-41 remain pending.

The abstract has been amended so that it meets the formatting requirements under MPEP §608.01(b). The specification has been amended to correct a typographical error.

The Examiner rejected claims 1-3 and 25 under 35 U.S.C. §102(e) as being anticipated by Lin (U.S. patent 6,405,256). The Examiner has also rejected claims 4-24 under 35 U.S.C. §103(a) as being unpatentable over Lin and further in view of "Release Notes for Cisco Cache Engine 500" (by Cisco Systems, Inc.). The Examiner's rejections are respectfully traversed as follows.

Claim 1 is directed towards a "method for assigning traffic buckets to a cache system." Claim also requires that "a) when a new cache system starts up in a cache cluster having a plurality of total buckets, determining a full bucket allocation for the new cache system; b) periodically determining a load of the new cache system; c) when it is determined that the new cache system is underloaded, slowly assigning a portion of the full bucket allocation or a portion of previously shed buckets to the new cache system unless the full bucket allocation has already been assigned to the new cache system; and d) when it is determined that the new cache system is overloaded, shedding a portion of the buckets previously assigned to the new cache system." In embodiments of the invention, buckets are slowly assigned to a new cache and buckets are shed when the new cache becomes overloaded, which allows the new cache to likely not become overloaded with a new load assignment. Independent claims 18, 25, and 41 have a similar limitation regarding slow assignment and shedding of buckets to a new cache.

The primary reference Lin fails to teach or suggest slowly assigned buckets to a new cache and shedding buckets from the new cache when the new cache becomes overloaded, in the manner claimed in claims 1, 18, 25, and 41. In contrast, Lin merely discloses techniques for altering a cache's data transfer rate or increasing the size of its buffer to accommodate additional data when congestion in the network occurs. See Column 3, Lines 10-19.

It is respectfully submitted that the secondary reference "Release Notes for Cisco Cache Engine 500" be excluded as prior art because the subject matter disclosed in the cited section of this reference was derived from the inventors of the present application. Enclosed herein is a

Rule 1.132 Affidavit from inventor Gurumukh Tiwana declaring such derivation. Thus, the reference "Release Notes for Cisco Cache Engine 500" cannot qualify as a publication by another under 102(a)/103. Accordingly, it is respectfully submitted that claims 1, 18, 25, and 41 are patentable over the cite art.

The Examiner's rejections of the dependent claims are also respectfully traversed. However, to expedite prosecution, all of these claims will not be argued separately. Claims 2-9, 11-17, 19-24, and 26-40 each depend directly from independent claims 1, 18, or 25 and, therefore, are respectfully submitted to be patentable over cited art for at least the reasons set forth above with respect to claims 1, 18, and 25. Further, the dependent claims require additional elements that when considered in context of the claimed inventions further patentably distinguish the invention from the cited art.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,  
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